UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/513,964	MEYERS, STEPHAN
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,11,14-18,20,22,23,25-36 and 39-79* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *63 and 72* is/are allowed.

6)☒ Claim(s) *1,2,4-6,11,14-18,20,22,23,25-36,39-62,64-71 and 73-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *2/22/05*.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Newly cited portions of U.S. 6,356,971 to Katz are relied upon to teach user input of ranking and adjusting the virtual broadcast in response to the rankings.

Applicant argues that Abecassis does not teach means for establishing a connection between the Internet and device for transmitting urgent breaking news (amendment page 18).

The examiner points to newly cited portions of Abecassis (column 17, lines 15-32, 50-54, column 18, lines 13-22) to teach this limitation in newly amended claim 26.

Applicants failure to traverse the previous official notices taken, are taken as admission of prior art.

Claim Objections

2.   Claims 66 and 67 objected to because of the following informalities: Claims 66 and 67 are dependant on canceled claim 10. For examination purposes the examiner has treated them as though they were dependant on claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 2, 4, 5, 14-16, 41-53, 62, 65, 68-71, and 76-78 are rejected under 35

U.S.C. 103(a) as being unpatentable over U.S. Patent 6,192,340 to Abecassis and

Musicmatch Jukebox software in view of U.S. Patent 6,470,378 to Tracton and U.S.

Patent 6,167,251 to Segal.

Regarding claim 1, Abecassis discloses a method for generating a virtual

broadcast on a virtual broadcast device (PC laptop), the method comprising:

connecting the virtual broadcast device to a Web site (Figures 2, 7-10, column

14, lines 45-65, column 22, lines 42-52) downloading and storing data comprising

content and other information to be integrated into the virtual broadcast from the Web

site to the virtual broadcast device in any order (column 14, lines 45-65,column 21, lines

18-33),

the content comprising songs and the other information comprising at least one

of introductions to the songs, advertisements, weather information, and news (column

14, lines 45-65, column 20, lines 24-36, music and stock information);

organizing the data on the virtual broadcast device into a particular order for the

virtual broadcast according to a selected algorithm provided on the virtual broadcast

device (Column 15, line 20-45, column 16, lines 26-31, 40-46, column 19, line 58-

column 21, line 67, column 27, lines 34-60, Musicmatch Webpage)

whereby the virtual broadcast device is disconnectable from the Web site during

said step of organizing (As the audio player of Abecassis may assemble the playlist,

Abecassis allows the device to be disconnected from the website during the step of

organizing).

Abecassis and the Musicmatch Software do not disclose a virtual broadcast

device, which is a phone that connects to a website via a wireless connection, but

instead use a portable device or a PC. Abecassis and Musicmatch do not disclose

downloading all of the content and other information, then organizing the data and

applying a ranking, by a user using the virtual broadcast devices to at least one of the

songs in the virtual broadcast: and adjusting by the virtual broadcast device the virtual

broadcast in accordance with the user ranking.

Tracton discloses the use of a browser enabled mobile phone with JavaScript

capability which connects to the Internet via a wireless connection (column 7, lines 26-

34, wireless phone web browser), a server is able to detect the type of processor in a

client device and transmits to the client device scalable levels of content, including

MPEG video, appropriate to the capabilities of the processor in a client device,

additionally custom page data or targeted advertising may be sent to a specific device,

each device may include a user profile (column 5, line 13-column 8, line 55, line 63-column 9, line19), thus enabling a user to view a virtual broadcast at any location.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis and the Musicmatch Software to download content to a mobile phone as taught by Tracton thereby enabling a user to view a virtual broadcast at any location.

The combination of Abecassis, Musicmatch, and Tracton fails to disclose downloading all of the data from a server and then disconnecting, and allowing a user to input a user ranking and for adjusting the virtual broadcast in response to the ranking.

Segal discloses a cellular telephone which downloads stock information, music and news, and allows the user to play back the data while the cell phone is not actively connected to the network thus enabling a user to avoid additional account charges (column 29, line 64-column 30, line 37).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch and Tracton, to download all of the data and disconnect from the server as taught by Segal, thus avoiding the cost of debited airtime charges a user would receive while listening to stored audio.

The combination of Abecassis, Musicmatch, Segal and Tracton do not disclose allowing a user to input a user ranking and for adjusting the virtual broadcast in response to the ranking.

Katz discloses a CD changing device that enables a user to create a playlist (ranking) on the device, thus enabling the user to listen to the multimedia content in a desired order (column 7, lines 57-61).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, Segal and Tracton to enable a user to rank the multimedia content on the broadcast device, as taught by Katz, thus enabling a user to enjoyed the content in their own desired order.

Regarding claim 2, Abecassis discloses playing the virtual broadcast on the virtual broadcast device (column 13, line 62-column 14, line 17).

Regarding claim 4, Abecassis discloses that the device may connect intermittently to a website to download data and may download data based on user preferences (column 14, lines 45-65, column 16, lines 19-67).

Regarding claim 5, Abecassis discloses a radio on demand system in which informational content and advertisements are seamlessly integrated with a users personal audio library and played back according to a user's preferences (column 17, line 25-column 19, line 37).

Regarding claim 14, Abecassis discloses a method for generating a virtual

broadcast on a virtual broadcast device (PC laptop), the method comprising:

connecting the virtual broadcast device to a Web site (Figures 2, 7-10, column

14, lines 45-65, column 22, lines 42-52)

capturing in the virtual broadcast device a signal generated by conventional

broadcast means (satellite or cable) the signal comprising content and other information

to be integrated into the virtual broadcast from the Web site to the virtual broadcast

device in any order (column 14, lines 45-65, column 16, lines 31-46, column 21, lines

18-33),

the content comprising songs and the other information comprising at least one

of introductions to the songs, advertisements, weather information, and news (column

14, lines 45-65, column 20, lines 24-36, music and stock information);

organizing the data on the virtual broadcast device into a particular order for the

virtual broadcast according to a selected algorithm provided on the virtual broadcast

device (Column 15, line 20-45, column 16, lines 26-31, 40-46, column 19, line 58-

column 21, line 67, column 27, lines 34-60, Musicmatch Webpage)

whereby the virtual broadcast device is disconnectable from the Web site during

said step of organizing (As the audio player of Abecassis may assemble the playlist,

Abecassis allows the device to be disconnected from the website during the step of

organizing).

Abecassis and the Musicmatch Software do not disclose a virtual broadcast

device, which is a phone that connects to a website via a wireless connection, but

instead use a portable device or a PC. Abecassis and Musicmatch do not disclose downloading all of the content and other information, then organizing the data and applying a ranking, by a user using the virtual broadcast devices to at least one of the songs in the virtual broadcast: and adjusting by the virtual broadcast device the virtual broadcast in accordance with the user ranking.

Tracton discloses the use of a browser enabled mobile phone with JavaScript capability which connects to the Internet via a wireless connection (column 7, lines 26-34, wireless phone web browser), a server is able to detect the type of processor in a client device and transmits to the client device scalable levels of content, including MPEG video, appropriate to the capabilities of the processor in a client device, additionally custom page data or targeted advertising may be sent to a specific device, each device may include a user profile (column 5, line 13-column 8, line 55, line 63-column 9, line19), thus enabling a user to view a virtual broadcast at any location.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis and the Musicmatch Software to download content to a mobile phone as taught by Tracton thereby enabling a user to view a virtual broadcast at any location.

The combination of Abecassis, Musicmatch, and Tracton fails to disclose downloading all of the data from a server and then disconnecting, and applying a ranking to the data..

Segal discloses a cellular telephone which downloads stock information, music and news, and allows the user to play back the data while the cell phone is not actively

connected to the network thus enabling a user to avoid additional account charges (column 29, line 64-column 30, line 37).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch and Tracton, to download all of the data and disconnect from the server as taught by Segal, thus avoiding the cost of debited airtime charges a user would receive while listening to stored audio.

The combination of Abecassis, Musicmatch, Segal and Tracton do not disclose enabling a user to enter a ranking and reordering the tracks in response to the user ranking.

Katz discloses a CD changing device that enables a user to create a playlist (ranking) on the device, thus enabling the user to listen to the multimedia content in a desired order (column 7, lines 57-61).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, Segal and Tracton to enable a user to rank the multimedia content on the broadcast device, as taught by Katz, thus enabling a user to enjoyed the content in their own desired order.

Regarding claim 15, see claim 2.

Regarding claim 16, see claim 5.

Regarding claim 41, Tracton, Segal, Abecassis and Musicmatch disclose a mobile phone, which downloads content.

The combination of Tracton, Abecassis, Segal and Musicmatch do not disclose that the data downloaded from the website is selected by the website operator based on user preferences.

The examiner takes official notice that selection of content on a website by an administrator based on user preference is well known in the art. Administrators may select the content that users may enjoy based off of user opinions or polls.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton, Segal, Abecassis and Musicmatch to enable a admin to best select the available content on a website based off of user preferences.

Regarding claim 42, Tracton, Abecassis and Musicmatch disclose a mobile phone, which downloads content.

Tracton, Segal, Abecassis and Musicmatch do not disclose the user utilizing the website to store and download data.

The examiner takes official notice that utilizing a web server to store and download user data is well known in the art, for example http://www.geocities.com provides free web space for storage of user files and maybe be downloaded from by any web accessible device, thus enabling a user to select content for download that they are interested in.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Tracton, Segal, Abecassis and Musicmatch to enable a user to select the information to be downloaded and stored on a website thus enabling a user to select content they are the most interested in.

Regarding claim 43, Abecassis discloses in Figure 4, a number of networked devices to which the multimedia player may be connected and on which the media may be played (column 12, lines 7-63).

Regarding claims 44-45, Abecassis discloses that a user may input a user id and password when utilizing the media player (column 19, lines 60-61). Abecassis inherently enables a user to select a format to download information that would be recognizable by a broadcast device otherwise the downloaded content would be unusable by the device.

Abecassis, Segal, Musicmatch and Tracton do not disclose a user logging onto a website.

The examiner takes official notice that logging onto a website after connecting is well known in the art. Logging into a website enables a user to received personalized content by saving user settings associated with a login.

Therefore it would have been obvious to one skilled in the art at the time of invention to log onto a website after connecting so that personalized content may be delivered to a particular user.

Regarding claim 46, Abecassis discloses that user preferences may be stored on the portable device (column 19, lines 31-37).

Regarding claim 47, Abecassis discloses that a user may select the synthesized voice (column 18, lines 14-23).

Regarding claim 48, Abecassis discloses that advertisements may be downloaded.

Abecassis, Musicmatch, Segal and Tracton do not disclose whether a user may select whether or not advertisements may be downloaded.

The examiner takes official notice that a user may select whether or not they wish advertising to be delivered to them. For example, opting out of email advertisements, so that the user would only receive content that they are interested in.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, Musicmatch, Segal and Tracton to enable a user to select whether or not advertisements should be downloaded so that a user would only receive content of interest to them.

Regarding claims 49-50, Abecassis discloses that the playlists are responsive to external triggers such as time of day (column 16, lines 1-7).

Regarding claim 51, Abecassis discloses a radio on demand feature in which a connection is maintained with the internet, and when there is a significant movement in a stock (or weather or traffic information), related to a news story, report filing or interview occurs, the user receives an update on the stock, the update may be read in a synthesized voice (column 17, lines 15-32, 50-54, column 18, lines 13-22) thus keeping the user abreast of import news items.

Regarding claim 52-53, Abecassis discloses that user may input preferences for content to be delivered (column 17, lines 56-column 18, line 14).

Abecassis, Musicmatch, Segal and Tracton do not disclose using an Internet connection to rate broadcasted content.

The examiner takes official notice that utilizing an Internet connection to rate broadcasted content is well known in the art, for example "the box" music video channel.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, Musicmatch, Tracton and Segal to enable a user to rate the broadcasted content in order to deliver only the content a user is interested in.

Regarding claim 62, Segal and Tracton disclose downloading content via a wireless phone.

Abecassis, Musicmatch, Tracton and Segal do not disclose downloading at bulk bandwidth rates.

The examiner takes official notice that downloading content at high speed via a wireless connection is well known in the art, and enables a user to download files quickly thus enabling the user to enjoy the content sooner.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination Abecassis, Musicmatch, Tracton and Segal to download the content at a high rate of speed, to allow a user to enjoy the content more quickly.

Regarding claims 65, Abecassis discloses a method of generating a virtual broadcast on a multimedia player (Figures 2, 7-10), in which music content and stock information (column 14, lines 45-65, column 20, lines 24-36) is downloaded to the player device from a web page.

Abecassis, Musicmatch, Tracton and Segal do not disclose discarding dated "other information" after a period of time.

The examiner takes official notice that discarding dated information after a period of time to free up storage space is well known in the art, and enables the device to have space to download new content.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, Tracton and Segal to discard dated information to free up storage space, thus enabling the device to have space to download new stock or news information.

Regarding claims 68 and 76, Tracton discloses an audiovisual enabled cell phone.

Abecassis, Musicmatch, Tracton and Segal do not disclose uploading a user's listening history to provide demographic information to advertisers.

The examiner takes official notice that providing demographic information about a user based off their media viewing choices is well known in the art, and enables a user to receive profiled ads, which the user would find, tailored to their interests.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, Musicmatch, Tracton and Segal to transmit a log of a user's listening history to provide demographic information to advertisers thus enabling an advertiser to more accurately provide ads that a user would respond to and find interesting.

Regarding claim 69, Abecassis discloses a portable electronic device (figure 2)), comprising:

A digital player (figure 2, or a laptop) for playing multimedia content comprising songs and the other information comprising at least one of introductions to the songs, advertisements, weather information, and news (column 14, lines 45-65, column 20, lines 24-36, music and stock information);

A memory for storing the multimedia content to be played (column 8, lines 52-62), an input device (figure 2) including buttons(221, 261) associated with functions (volume, selection)of said device,

A processor connected with said player, said memory and input device (column 9, lines 5-10), said processor including software means for generating an automated mixing of songs by processing multiple songs simultaneously and weaving the songs into a virtual broadcast which is played by said digital player (Column 15, line 20-45, column 16, lines 26-31, 40-46, column 19, line 58-column 21, line 67, column 27, lines 34-60, Musicmatch Webpage)

A display 202.

Abecassis and the Musicmatch Software do not disclose a virtual broadcast device which includes a receiver for receiving data including the multimedia content, said receiving including an antenna for capturing radio transmissions, applying a ranking, by a user using the virtual broadcast devices to at least one of the songs in the virtual broadcast: and adjusting by the virtual broadcast device the virtual broadcast in accordance with the user ranking, and a display which shows information relative to the virtual broadcast.

Tracton discloses the use of a browser enabled mobile phone (receiver) with JavaScript capability which connects to the Internet via a wireless connection (column 7, lines 26-34, wireless phone web browser, thus requiring an antenna), a server is able to detect the type of processor in a client device and transmits to the client device scalable levels of content, including MPEG video, appropriate to the capabilities of the processor in a client device, additionally custom page data or targeted advertising may be sent to a specific device, each device may include a user profile (column 5, line 13-

column 8, line 55, line 63-column 9, line19), thus enabling a user to view a virtual

broadcast at any location.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Abecassis and the Musicmatch Software to download content to a

mobile phone as taught by Tracton thereby enabling a user to view a virtual broadcast

at any location.

The combination of Abecassis, Musicmatch, and Tracton fails to disclose

downloading all of the data from a server and then disconnecting, displaying data on a

display which shows information relative to the virtual broadcast, and enabling a user to

rank the content, and applying the ranking to the content.

Segal discloses a cellular telephone which downloads stock information, music

and news, and allows the user to play back the data while the cell phone is not actively

connected to the network thus enabling a user to avoid additional account charges

(column 29, line 64-column 30, line 37).

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify the combination of Abecassis, Musicmatch and Tracton, to

download all of the data and disconnect from the server as taught by Segal, thus

avoiding the cost of debited airtime charges a user would receive while listening to

stored audio.

The combination of Abecassis, Musicmatch, Segal and Tracton fails to disclose

displaying data on a display which shows information relative to the virtual broadcast,

and enabling a user to rank the content, and applying the ranking to the content.

Katz discloses a CD changing device that enables a user to create a playlist (ranking) on the device, thus enabling the user to listen to the multimedia content in a desired order (column 7, lines 57-61), additionally a display displays titles for each audio track when the track is playing (column 7, lines 27-33, 41-45), thus informing the user what content they are currently listening too.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, Segal and Tracton to enable a user to rank the multimedia content on the broadcast device and display the title, as taught by Katz, thus enabling a user to enjoyed the content in their own desired order and inform the user of what content they are listening too.

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Regarding claims 70 and 71, Abecassis discloses that a user may select the synthesized voice (column 18, lines 14-23).

Abecassis, Musicmatch, Tracton and Segal do not disclose pre-recording the other data in a simulated voice.

The examiner takes official notice that pre-recording data with a simulated voice is well known in the art. Pre-recording reduces the need for processing power on the receiving device and allows for a lower cost processor to be utilized.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, Musicmatch, Tracton and Segal to pre-record the other data in a simulated voice, thus reducing the need for processing power on the receiver.

Regarding claims 77 and 78, Tracton discloses an audiovisual enabled cell phone.

Abecassis, Musicmatch, Tracton and Segal do not disclose displaying news headlines in a separate area from the virtual broadcast.

The examiner takes official notice that displaying news information in a separate area from the other content is well known in the art, for example the PointCast computer application receives push data from the Internet and then displays that data, including news, in a separate location from other data on a user's display device.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, Musicmatch, Tracton and Segal to display news headlines in a separate display area, thus enabling a user to multitask by watching a program of interest and keep abreast of the latest news.

4.   Claims 6, 11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,192,340 to Abecassis and Musicmatch Jukebox software in view of U.S. Patent to Tracton and U.S. Patent 6,167,251 to Segal in further view of U.S. Patent 6,199,076-B1 to Logan.

Regarding claims 6 and 17, Abecassis discloses downloading content and integrating the downloaded content with locally stored items.

The combination of Abecassis, Musicmatch and Tracton does not disclose organizing the contents with a plurality of introductions related to the content or the use of a virtual broadcast device.

Logan discloses a method in which the content downloaded to the device is made up of a number of items, introductions for the content to be broadcasted on the device is downloaded, and part of the program organizing process includes introducing each program with a related introduction (column 30, lines 1-9, column 2, 19-24), enabling a user to know what song there were about to hear without looking at a display device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis/Musicmatch/Segal to transmit content to a mobile phone and include the introductions of Logan thereby enabling a user to know what song there were about to hear without looking at a display device.

Regarding claim 11, Abecassis discloses utilizing a sorting algorithm.

The combination of Abecassis, Musicmatch, and Tracton fails to disclose returning to a website, and uploading a user ranking of the selected song, and downloading additional content and other information to update the virtual broadcast based on the user ranking.

Logan discloses that after a program has finished playing, the device connects to the website and uploads the user priority given to the program and downloads additional content and other information based upon the user ranking (column 9, lines 30-50), thus customizing the programming based on user preferences.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, and Tracton to return to

the website, and upload a user ranking of the selected song, and download additional

content and other information to update the virtual broadcast based on the user ranking

as taught by Logan, thus customizing the programming based on user preferences.

Regarding claim 18, Abecassis discloses that the device may be portable,

(laptop, Figure 2, column 13, lines 62-column 14, line 7).

Regarding claims 66, 67, 74 and 75, Logan is relied upon to teach that after a

program has finished playing, the device connects to the website and uploads the user

priority given to the program and downloads additional content and other information

based upon the user ranking (column 9, lines 30-50).

Abecassis/Musicmatch/Segal and Logan do not disclose playing higher ranked

songs more often and replacing lower ranked songs with new songs.

The examiner takes official notice that playing higher ranked songs more often

and replacing lower ranked songs with new songs is well known in the art , for example,

the broadcast radio industry plays more popular songs more often, and replaces less

requested songs with new songs, thus introducing new musical choices to a user.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Abecassis/Musicmatch/Segal and Logan to playing higher ranked

songs more often and replacing lower ranked songs with new songs to conform with

user tastes and expose a user to new musical choices.

5.   Claims 20, 22, 23, 25, 36, 40, 54-58, 61 and 79 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent 6,199,076-B1 to Logan in view of U.S.

Patent 6,192,340 to Abecassis and Musicmatch Jukebox software, U.S. Patent

6,470,378 to Tracton and U.S. Patent 6,167,251 to Segal in further view of U.S. Patent

6,188,398-B1 to Collins-Rector.

        Regarding claim 20, Logan discloses method for generating a virtual television

broadcast n a virtual television broadcast device, the method comprising:

        connecting the virtual television broadcast device to a Web site (column 5, lines

26-59, column 6, lines 51-67)

        downloading and storing files comprising a plurality of news stories and other

information to be integrated in the virtual television broadcast from the Web site to the

virtual television broadcast device in any order (column 30 lines 37-42, column 6, lines

51-67),

        the other information comprising at least one of introductions to the news stories,

weather reports, stock quotes, and advertising (column 30, lines 1-9, 31-35);

        organizing the stored content and other information on the virtual television

broadcast device into a particular order for the virtual broadcast according to a selected

algorithm provided on the virtual television broadcast device (column 8, lines 39-53)

        periodically downloading an additional news story from the Web site (column 9,

lines 51-62); and

generating an updated virtual television broadcast that includes the additional

new story after all of the data for the additional news story is downloaded from the Web

site (column 9, lines 51-62).

Logan does not disclose that the programs played on the device are video files

and organizing the virtual broadcast according to an algorithm on the device, the device

is disconnectable from the website during the step of organizing, and the use of a

mobile phone which connects to a website via a wireless connection.

Abecassis and the Musicmatch software disclose the use of an algorithm to

create a playlist that is stored on the virtual broadcast device (column 13, lines 23-43,

column 15, lines 27-67, Musicmatch webpage), a playlist may be generated prior to the

acquisition of new music, a user may establish preferences 942 prior to connecting to

an online website in order to influence the organization of a playlist (column 16, lines

40-46, column 16, line 26-31) a multimedia player on the device may then assemble the

playlist (column 27, lines 34-60). As the audio player of Abecassis may assemble the

playlist, Abecassis allows the device to be disconnected from the website during the

step of organizing.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Logan to utilize customization features and algorithms as taught by

Musicmatch and Abecassis, to view video encoded news stories in order to provide a

user with a customized broadcast tailored to their specific interests.

The combination of Logan, Musicmatch and Abecassis fails to disclose the use of a mobile phone with a wireless connection, downloading all of the data from a server and disconnecting, or receiving a video broadcast.

Tracton discloses the use of a browser enabled mobile phone with JavaScript capability which connects to the Internet via a wireless connection (column 7, lines 26-34, wireless phone web browser), a server is able to detect the type of processor in a client device and transmits to the client device scalable levels of content, including MPEG video, appropriate to the capabilities of the processor in a client device, additionally custom page data or targeted advertising may be sent to a specific device, each device may include a user profile (column 5, line 13-column 8, line 55, line 63-column 9, line19), thus enabling a user to view a virtual broadcast at any location.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Logan, Abecassis and the Musicmatch Software to download content to a mobile phone as taught by Tracton thereby enabling a user to view a virtual broadcast at any location.

The combination of Logan, Abecassis, Musicmatch, and Tracton fails to disclose downloading all of the data from a server and then disconnecting, or displaying a video broadcast.

Segal discloses a cellular telephone which downloads stock information, music and news, and allows the user to play back the data while the cell phone is not actively connected to the network thus enabling a user to avoid additional account charges (column 29, line 64-column 30, line 37).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Logan, Abecassis, Musicmatch and Tracton, to download all of the data and disconnect from the server as taught by Segal, thus avoiding the cost of debited airtime charges a user would receive while listening to stored audio.

The combination of Logan, Abecassis, Musicmatch, Tracton and Segal does not disclose video playback, but does disclose transmission of MPEG 2 video.

Collins-Rector teaches that frames capable web browser utilizing a QuickTime or similar browser plug in may be used to handle video information for display to a user (column 2, line 63-column 3, line 6), thus enabling the display of video information on web enabled device.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Logan, Abecassis, Musicmatch, Tracton and Segal to utilize the QuickTime enabled browser of Collins-Rector, thus enabling the display of video information on web enabled device.

Regarding claim 22, Logan discloses that the broadcast device may use a web browser such as Netscape Navigator or Microsoft Internet Explorer which allow a user to view news as well as other information at the same time on different portions of the screen (column 10, lines 7-11).

Regarding claim 23, Logan discloses method for generating a virtual television broadcast n a virtual television broadcast device, the method comprising:

connecting the virtual television broadcast device to a Web site (column 5, lines 26-59, column 6, lines 51-67)

capturing in the virtual TV broadcast device a signal generated by conventional broadcast means (column 7, lines 44-49, cellular radio or satellite broadcast) the signal comprising a plurality of news stories and other information to be integrated in the virtual television broadcast from the Web site to the virtual television broadcast device in any order (column 30 lines 37-42, column 6, lines 51-67),

the other information comprising at least one of introductions to the news stories, weather reports, stock quotes, and advertising (column 30, lines 1-9, 31-35);

organizing the stored content and other information on the virtual television broadcast device into a particular order for the virtual broadcast according to a selected algorithm provided on the virtual television broadcast device (column 8, lines 39-53)

periodically downloading an additional news story from the Web site (column 9, lines 51-62); and

generating an updated virtual television broadcast that includes the additional new story after all of the data for the additional news story is downloaded from the Web site (column 9, lines 51-62).

Logan does not disclose that the programs played on the device are video files and organizing the virtual broadcast according to an algorithm on the device, capturing a signal generated by conventional broadcasting means, the device is disconnectable

from the website during the step of organizing, and the use of a mobile phone which connects to a website via a wireless connection.

Abecassis and the Musicmatch software disclose the use of an algorithm to create a playlist that is stored on the virtual broadcast device (column 13, lines 23-43, column 15, lines 27-67, Musicmatch webpage), a playlist may be generated prior to the acquisition of new music, a user may establish preferences 942 prior to connecting to an online website in order to influence the organization of a playlist (column 16, lines 40-46, column 16, line 26-31) a multimedia player on the device may then assemble the playlist (column 27, lines 34-60), thus enabling the user to peruse programming tailored to their interests. As the audio player of Abecassis may assemble the playlist, Abecassis allows the device to be disconnected from the website during the step of organizing.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Logan to utilize customization features and algorithms as taught by Musicmatch and Abecassis, to view video encoded news stories in order to provide a user with a customized broadcast tailored to their specific interests.

The combination of Logan, Musicmatch and Abecassis fails to disclose the use of a mobile phone with a wireless connection, downloading all of the data from a server and disconnecting, or receiving a video broadcast.

Tracton discloses the use of a browser enabled mobile phone with JavaScript capability which connects to the Internet via a wireless connection (column 7, lines 26-34, wireless phone web browser), a server is able to detect the type of processor in a

client device and transmits to the client device scalable levels of content, including

MPEG video, appropriate to the capabilities of the processor in a client device,

additionally custom page data or targeted advertising may be sent to a specific device,

each device may include a user profile (column 5, line 13-column 8, line 55, line 63-

column 9, line19), thus enabling a user to view a virtual broadcast at any location.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Logan, Abecassis and the Musicmatch Software to download

content to a mobile phone as taught by Tracton thereby enabling a user to view a virtual

broadcast at any location.

The combination of Logan, Abecassis, Musicmatch, and Tracton fails to disclose

downloading all of the data from a server and then disconnecting, or displaying a video

broadcast.

Segal discloses a cellular telephone which downloads stock information, music

and news, and allows the user to play back the data while the cell phone is not actively

connected to the network thus enabling a user to avoid additional account charges

(column 29, line 64-column 30, line 37).

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify the combination of Logan, Abecassis, Musicmatch and Tracton, to

download all of the data and disconnect from the server as taught by Segal, thus

avoiding the cost of debited airtime charges a user would receive while listening to

stored audio.

The combination of Logan, Abecassis, Musicmatch, Tracton and Segal does not

disclose video playback, but does disclose transmission of MPEG 2 video.

Collins-Rector teaches that frames capable web browser utilizing a QuickTime or

similar browser plug in may be used to handle video information for display to a user

(column 2, line 63-column 3, line 6), thus enabling the display of video information on

web enabled device.

Therefore it would have been obvious to one skilled in the art at the time of invention to

modify the combination of Logan, Abecassis, Musicmatch, Tracton and Segal to utilize

the QuickTime enabled browser of Collins-Rector, thus enabling the display of video

information on web enabled device.

Regarding claim 25, Logan discloses that the broadcast device may use a web

browser such as Netscape Navigator or Microsoft Internet Explorer which allow a user

to view news as well as other information at the same time on different portions of the

screen (column 10, lines 7-11).

Regarding claim 36, Logan discloses that the device may be a laptop capable of

displaying a video image (column 4, 34-41). The combined system of Abecassis,

Musicmatch and Logan do not disclose the ability to play videos on the device. Collins-

Rector teaches that a frame capable web browser utilizing a QuickTime or similar

browser plug in may be used to handle video information for display to a user (column

2, line 63-column 3, line 6). Therefore, it would have been obvious to one skilled in the

art at the time of invention to modify the combined system of Abecassis, Musicmatch

and Logan to include a web browser containing a QuickTime browser plug in to view

video encoded news stories and other content in order to provide a user with a

customized broadcast tailored to their specific interests.

Regarding claim 40, Logan discloses a device in figure 1, for generating a virtual

broadcast, the device comprising:

a memory (storage unit 107),

means for inputting data (modem 115) comprised of news and other information

to be integrated into the virtual broadcast and stored in memory (storage unit 107,

column 30, lines 31-35),

means for organizing (Client CPU 105) into the virtual broadcast comprising the

news stories and other information according to a specific algorithm (column 9, lines

15-30),

means for (modem 115 with which the client periodically connects) inputting

additional news stories and generating an updated virtual broadcast by including an

additional news story (column 9, lines 51-62).

Logan does not disclose integrating downloaded video content from a website as

part of a virtual broadcast and the use of an algorithm on the broadcast device for

organizing data, as well as a using a mobile phone to connect to the internet.

Abecassis and the Musicmatch software disclose the use of an algorithm to

create a playlist that is stored on the virtual broadcast device (column 13, lines 23-43,

column 15, lines 27-67, Musicmatch webpage), a playlist may be generated prior to the

acquisition of new music, a user may establish preferences 942 prior to connecting to

an online website in order to influence the organization of a playlist (column 16, lines

40-46, column 16, line 26-31) a multimedia player on the device may then assemble the

playlist (column 27, lines 34-60), thus enabling the user to peruse programming tailored

to their interests. As the audio player of Abecassis may assemble the playlist,

Abecassis allows the device to be disconnected from the website during the step of

organizing.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Logan to utilize customization features and algorithms as taught by

Musicmatch and Abecassis, to view video encoded news stories in order to provide a

user with a customized broadcast tailored to their specific interests.

The combination of Logan, Musicmatch and Abecassis fails to disclose the use of

a mobile phone with a wireless connection, downloading all of the data from a server

and disconnecting, or receiving a video broadcast.

Tracton discloses the use of a browser enabled mobile phone with JavaScript

capability which connects to the Internet via a wireless connection (column 7, lines 26-

34, wireless phone web browser), a server is able to detect the type of processor in a

client device and transmits to the client device scalable levels of content, including

MPEG video, appropriate to the capabilities of the processor in a client device,

additionally custom page data or targeted advertising may be sent to a specific device,

each device may include a user profile (column 5, line 13-column 8, line 55, line 63-column 9, line19), thus enabling a user to view a virtual broadcast at any location.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Logan, Abecassis and the Musicmatch Software to download content to a mobile phone as taught by Tracton thereby enabling a user to view a virtual broadcast at any location.

The combination of Logan, Abecassis, Musicmatch, and Tracton fails to disclose downloading all of the data from a server and then disconnecting, or displaying a video broadcast.

Segal discloses a cellular telephone which downloads stock information, music and news, and allows the user to play back the data while the cell phone is not actively connected to the network thus enabling a user to avoid additional account charges (column 29, line 64-column 30, line 37).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Logan, Abecassis, Musicmatch and Tracton, to download all of the data and disconnect from the server as taught by Segal, thus avoiding the cost of debited airtime charges a user would receive while listening to stored audio.

The combination of Logan, Abecassis, Musicmatch, Tracton and Segal does not disclose video playback, but does disclose transmission of MPEG 2 video.

Collins-Rector teaches that frames capable web browser utilizing a QuickTime or similar browser plug in may be used to handle video information for display to a user

(column 2, line 63-column 3, line 6), thus enabling the display of video information on web enabled device.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Logan, Abecassis, Musicmatch, Tracton and Segal to utilize the QuickTime enabled browser of Collins-Rector, thus enabling the display of video information on web enabled device.

Regarding claim 54, Abecassis discloses that the device may periodically connect to the Internet to retrieve more information (column 16, lines 31-46).

Regarding claim 55, Logan discloses the use of a laptop.

Logan, Tracton, Collins-Rector, Musicmatch and Abecassis do not disclose displaying content in a portion of the display other than the content of the virtual broadcast.

The examiner takes official notice that the use of a framed web browser, which displays content and a media player in different portions of the browser, are well known in the art, and are known for increasing the amount of information which may be displayed to a user at one time.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Tracton, Collins-Rector, Musicmatch and Abecassis to utilize a web browser to display content in a separate frame, thus increasing the amount of information available for display.

Regarding claim 56-57, Abecassis discloses that user may input preferences for content to be delivered (column 17, lines 56-column 18, line 14).

The combination of Logan, Abecassis, Musicmatch, Tracton and Collins-Rector does not disclose utilizing an Internet connection to rate broadcasted content.

The examiner takes official notice that utilizing an Internet connection to rate broadcasted content is well known in the art, for example "the box" music video channel.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Logan, Abecassis, Musicmatch, Tracton and Collins-Rector to enable a user to rate the broadcasted content in order to deliver only the content a user is interested in.

Regarding claim 58, Logan discloses the use of a laptop.

The combination of Logan, Abecassis, Musicmatch, Tracton and Collins-Rector do not disclose capturing a TV broadcast.

The examiner takes official notice that the use of a TV tuner card/capture board to display over the air broadcasts is well known in the art, and are known for letting a user view a broadcast at a later time.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, Musicmatch, Tracton and Collins-Rector to utilize a TV

tuner/capture board in order to receive over the air TV broadcasts and display them at a desired time.

Regarding claim 61, Logan discloses a display 118 in Figure 1.

Logan, Abecassis, Musicmatch, Colins-Reactor and Tracton do not disclose a first display for showing information related to the content being displayed and menu selections and a second display for displaying video content.

The examiner takes official notice that the use of two displays, one which displays video content, such as a monitor, and a second display which displays menu selections and related content, such as a DVD chapter display are well known in the art, and are known for maximizing the amount of information which may be displayed at one time..

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Logan, Abecassis, Musicmatch, and Tracton to include two displays as to maximize the amount of information, which may be displayed.

Regarding claim 79, Abecassis is relied upon to teach transmission of raw data as a trigger.

The combination of Logan, Abecassis, Musicmatch, Colins-Reactor and Tracton do not disclose transmitting 8 bytes of data.

The examiner takes official notice that transmitting 8 bytes of data is notoriously well known in the art. For example an ASCI trigger event summary which provides a summary of the event.

Therefore, it would have been obvious to one skilled in the art to modify the combination of Logan, Abecassis, Musicmatch, Colins-Reactor and Tracton to utilize 8 byes of data as raw data, thus providing enough space for a summary of the event.

6.   Claims 26-35, 39, and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,199,076-B1 to Logan in view of U.S. Patent 6,192,340 to Abecassis and the Musicmatch Jukebox software in further view of U.S. Patent 6,167,251 to Segal in further view of U.S. Patent 6,470,378 to Tracton.

Regarding claim 26, Logan discloses a device in figure 1, for generating a virtual broadcast, the device comprising:

a memory (storage unit 107),

means for inputting data (modem 115) comprised of news and other information to be integrated into the virtual broadcast and stored in memory (storage unit 107, column 30, lines 31-35),

means for organizing (Client CPU 105) into the virtual broadcast comprising the news stories and other information according to a specific algorithm (column 9, lines 15-30),

means for (modem 115 with which the client periodically connects) inputting

additional news stories and generating an updated virtual broadcast by including an

additional news story (column 9, lines 51-62).

Logan does not disclose integrating downloaded video content from a website as

part of a virtual broadcast and the use of an algorithm on the broadcast device for

organizing data, means for establishing a connection between the Internet and the

device for transmitting urgent breaking news as a small amount of raw data and utilizing

a synthesized voice to read the urgent breaking news during the virtual broadcast as

well as a using a mobile phone to connect to the internet.

Abecassis and the Musicmatch software disclose the use of an algorithm to

create a playlist that is stored on the virtual broadcast device (column 13, lines 23-43,

column 15, lines 27-67, Musicmatch webpage), a playlist may be generated prior to the

acquisition of new music, a user may establish preferences 942 prior to connecting to

an online website in order to influence the organization of a playlist (column 16, lines

40-46, column 16, line 26-31) a multimedia player on the device may then assemble the

playlist (column 27, lines 34-60), thus enabling the user to peruse programming tailored

to their interests. As the audio player of Abecassis may assemble the playlist,

Abecassis allows the device to be disconnected from the website during the step of

organizing. Additionally, Abecassis discloses a radio on demand feature in which a

connection is maintained with the internet, and when there is a significant movement in

a stock (or weather or traffic information), related to a news story, report filing or

interview occurs, the user receives an update on the stock, the update may be read in

a synthesized voice (column 17, lines 15-32, 50-54, column 18, lines 13-22) thus keeping the user abreast of import news items.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Logan to utilize customization features, updates and algorithms as taught by Musicmatch and Abecassis, to provide a user with a customized broadcast tailored to their specific interests.

The combination of Logan, Musicmatch and Abecassis fails to disclose the use of a mobile phone with a wireless connection, downloading all of the data from a server and disconnecting, or receiving a video broadcast.

Tracton discloses the use of a browser enabled mobile phone with JavaScript capability which connects to the Internet via a wireless connection (column 7, lines 26-34, wireless phone web browser), a server is able to detect the type of processor in a client device and transmits to the client device scalable levels of content, including MPEG video, appropriate to the capabilities of the processor in a client device, additionally custom page data or targeted advertising may be sent to a specific device, each device may include a user profile (column 5, line 13-column 8, line 55, line 63-column 9, line19), thus enabling a user to view a virtual broadcast at any location.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Logan, Abecassis and the Musicmatch Software to download content to a mobile phone as taught by Tracton thereby enabling a user to view a virtual broadcast at any location.

The combination of Logan, Abecassis, Musicmatch, and Tracton fails to disclose downloading all of the data from a server and then disconnecting, or displaying a video broadcast.

Segal discloses a cellular telephone which downloads stock information, music and news, and allows the user to play back the data while the cell phone is not actively connected to the network thus enabling a user to avoid additional account charges (column 29, line 64-column 30, line 37).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Logan, Abecassis, Musicmatch and Tracton, to download all of the data and disconnect from the server as taught by Segal, thus avoiding the cost of debited airtime charges a user would receive while listening to stored audio.

Regarding claim 27, Logan discloses that the data for virtual broadcast includes advertising and a means of organizing the advertising into the virtual broadcast (column 6, lines 60-67, column 8, lines 39-44).

Regarding claim 28, Logan discloses in figure 1 a device for playing the generated virtual broadcast.

Regarding claim 29, Logan discloses means for the device to obtain data from a website (column 5, lines 47-53).

Regarding claim 30, Logan discloses means for uploading user preferences for the data including data type to the website (column 8, lines 12-24, 45-53).

Regarding claim 31, Logan discloses that the content comprises a number of items and the device will upload to a website, after playing an initial virtual broadcast, user rankings of the items played for determining future data to be downloaded from the website to the device (column 9, lines 11-44).

Regarding claim 32, Logan discloses the portions of the data can be deleted on the device (column 9, lines 11-12).

Regarding claim 33, Logan discloses that a user can give higher priority to certain programs (column 9, lines 15-25).

Regarding claim 34, Logan discloses that the data may be obtained from a cellular radio or broadcast satellite signal (column 7, lines 44-47).

Regarding claim 35, Logan discloses that the virtual broadcast may be comprised of music as well as introductions for the music (column 30, lines 1-9, 31-35).

Regarding claim 39, Logan discloses that more than one program can be processed at the same time (column 7, lines 24-31).

Regarding claims 59-60, Logan discloses a display 118 in Figure 1.

The combination of Logan, Abecassis, Musicmatch, and Tracton do not disclose a first display for showing information related to the content being displayed and menu selections and a second display for displaying video content.

The examiner takes official notice that the use of two displays, one which displays video content, such as a monitor, and a second display which displays menu selections and related content, such as a DVD chapter display are well known in the art, and maximize the amount of information which may be displayed at one time.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Logan, Abecassis, Musicmatch, and Tracton to include two displays as to maximize the amount of information, which may be displayed at the same time.

7.   Claims 64 and 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,192,340 to Abecassis and Musicmatch Jukebox software in view of U.S. Patent 6,470,378 to Tracton and U.S. Patent 6,167,251 to Segal in further view of U.S. Patent 6,650,902 to Richton.

Regarding claim 64, Tracton and Segal disclose cell phones, which download AV content.

The combination of Abecassis, Musicmatch, Tracton and Segal do not disclose location-based services.

Richton discloses a wireless mobile unit 201 in figures 3-5, that utilizes location based services to transmit advertisements or locations of interest to a user based on their position (column 3, lines 9-62, column 15, lines 41-65), thus increasing the chance a user would utilizes goods and services, by providing advertisements which are relevant to the user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, Tracton and Segal to utilize location based services as taught by Richton in order to provide advertisements that would be more interesting and relevant to the user's location thus making a purchase by a user more likely.

Regarding claim 73, Tracton and Segal disclose cell phones, which download AV content. Logan discloses that an old program may be deleted from the plurality of news stories stored on the device (column 9, lines 11-12, column 28, lines 15-23).

The combination of Abecassis, Musicmatch, Tracton and Segal do not disclose location based services or discarding dated information.

Richton discloses a wireless mobile unit 201 in figures 3-5, that utilizes location based services to transmit advertisements or locations of interest to a user based on their position (column 3, lines 9-62, column 15, lines 41-65).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, Tracton and Segal to utilize location based services as taught by Richton in order to provide advertisements that would be more interesting and relevant to the user's location thus making a purchase by a user more likely.

The combination of Abecassis, Musicmatch, Tracton, Richton and Segal do not disclose discarding dated information after a period of time.

The examiner takes official notice that discarding dated information after a period of time to free up storage space is well known in the art. Discarding older information enables a device to have space to download new content, such as stock, news or advertising information.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Musicmatch, Tracton, Richton and Segal to discard dated information to free up storage space, thus enabling the device to have space to download new stock, news, or advertising information.

Allowable Subject Matter

8.   The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, does not teach, nor sufficiently suggest the use of different ranking algorithms which are associated with a user selectable voice, and

applying the user selectable ranking algorithm on a mobile phone for a virtual

broadcast, in response to a user selecting a voice as claimed in claim 63.

The prior art of record, does not teach, nor sufficiently suggest the use of

different ranking algorithms which are associated with a user selectable DJ voice, and

applying the user selectable ranking algorithm on a mobile phone for a virtual

broadcast, in response to a user selecting a DJ voice as claimed in claim 72.

Claims 63 and 72 are allowed.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

CHRIS GRANT
PRIMARY EXAMINER